

Message Text

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C O N F I D E N T I A L KABUL 4513

STADIS////////////////////////////////

FOR ASSISTANT SECRETARY BARBARA WATSON FROM AMBASSADOR
THEODORE L. ELIOT, JR.

E.O. 11652: GDS
TAGS: SREF, AF, SHUM
SUBJECT: ASYLUM PROCEDURE FOR AFGHANS

REFS: A. STATE 122100 B. STATE 119851 C. 75 STATE A-5895

1. AS YOU KNOW, AFGHANISTAN HAS JUST EXPERIENCED A REVOLUTION,
BRINGING INTO POWER A LEFTIST GOVERNMENT WITH CLOSE SOVIET TIES.
IN TAKING POWER, THE GOVERNMENT HAS DEALT HARSHLY WITH MEMBERS OF THE
FORMER GOVERNMENT AND THE FORMER ROYAL FAMILY, SHOOTING SOME,
IMPRISONING MANY OTHERS WITH THEIR WIVES AND CHILDREN, AND
CONFISCATING THEIR PROPERTY INCLUDING PERSONAL EFFECTS. SO FAR,
ABOUT HALF OF THE AMBASSADORS OF THE FORMER GOVERNMENT HAVE BEEN RE-
LIEVED AND OF THESE ALMOST ALL HAVE CHOSEN NOT TO RETURN TO AFGHANISTAN
AND ARE EITHER SEEKING ASYLUM OR MAKING OTHER ARRANGEMENTS TO
STAY ABROAD.

2. HERE IN AFGHANISTAN, THE NEW GOVERNMENT IS MAKING IT VERY
DIFFICULT FOR ANY OF ITS NATIONALS TO LEAVE, BUT A TRICKLE ARE STILL
MANAGING TO DO SO. AMONG THIS LATTER GROUP ARE A SMALL NUMBER --
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PROBABLY NUMBERING NO MORE THAN FOUR DOZEN -- WHO HOPE TO GET
TO THE US. THEY WISH TO LEAVE AFGHANISTAN BECAUSE OF THEIR
WELL-FOUNDED FEAR OF PERSECUTION BASED ON FAMILY AND TRIBAL
TIES, POLITICAL OPINION AND ASSOCIATIONS, RELIGIOUS LOYALTIES
WHICH APPEAR TO RUN COUNTER TO THE PRESENT GOVERNMENT'S
IDEOLOGICAL ORIENTATION AND, IN SOME CASES, THE MERE FACT THAT
THEY RECEIVED THEIR EDUCATION AND TRAINING IN THE US. THEIR

DESIRE TO SETTLE SPECIFICALLY IN THE US IS FOUNDED UPON ADMIRATION FOR AND FAMILIARITY WITH OUR COUNTRY, ACQUIRED THROUGH EDUCATION AND/OR PRIOR RESIDENCE IN THE US. MANY OF THESE PEOPLE HAVE CLOSE RELATIVES IN THE US (THOUGH NOT CLOSE ENOUGH TO QUALIFY THEM AS BENEFICIARIES OF IR OR FIRST, SECOND, FOURTH OR FIFTH PREFERENCE PETITIONS). IN ALMOST ALL CASES, THE HEADS OF THESE FAMILIES ARE WELL EDUCATED (MOSTLY US TRAINED), PROFESSIONALLY QUALIFIED INDIVIDUALS WHO ARE FLUENT IN ENGLISH.

3. CONSIDERING THE PRESIDENT'S HUMAN RIGHTS POLICY, I WONDER WHETHER THERE HAS BEEN ANY LIBERALIZATION IN THE INTERPRETATION OF THE PROCEDURES OUTLINED THREE YEARS AGO IN REF C? IF THESE FAMILIES WERE TO APPLY FOR CONDITIONAL ENTRY UNDER THOSE PROCEDURES, THEY WOULD NEED SUFFICIENT FUNDS TO SUPPORT THEMSELVES IN A THIRD COUNTRY WHILE AWAITING AN INS DECISION. THOSE WHO SUCCEED IN LEAVING AFGHANISTAN LEGALLY, HOWEVER, WILL BE ALLOWED TO TAKE WITH THEM NO MORE THAN TWO HUNDRED DOLLARS PER PERSON. THUS, ENTRY INTO THE US VIA THIS CONDITIONAL ENTRY ROUTE IS IMPOSSIBLE FOR MOST OF THEM. DO YOU BELIEVE THAT INS COULD BE PERSUADED TO RELAX ITS PAROLE GUIDELINES FOR THIS RELATIVELY SMALL NUMBER OF PEOPLE?

4. UNDER THE EXCEPTIONALLY HARSH IMMIGRATION POLICIES OF THIS NEW REGIME, ANOTHER ALTERNATIVE POSSIBILITY COMES TO
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MIND. I REALIZE THAT POTENTIAL THIRD AND SIXTH PREFERENCE IV APPLICANTS NORMALLY HAVE TO OBTAIN LABOR OFFICE CERTIFIED JOB OFFERS AND INS APPROVED PETITIONS BEFORE THEY CAN QUALIFY FOR AVAILABLE IMMIGRANT VISAS. AT PRESENT, HOWEVER, WE HAVE NO WAY OF KNOWING WHEN THESE APPLICANTS WILL BE EFFECTIVELY PROHIBITED FROM LEAVING AFGHANISTAN OR WHEN THEY WILL BE ARRESTED AND/OR SENT AWAY FOR "RE-EDUCATION". THE LONGER THEY WAIT HERE, THE DIMMER BECOME THEIR CHANCES OF ESCAPE. UNDER THESE CIRCUMSTANCES, DO YOU THINK THAT INS WOULD BE DISPOSED TO ALLOW THEM TO ENTER AS NON-IMMIGRANTS WITH THE UNDERSTANDING THAT THEY WOULD BE ASSISTED IN CHANGING THEIR STATUS RAPIDLY ONCE THEY OBTAIN JOB OFFERS? ALTHOUGH THIS SUGGESTION MAY RUN COUNTER TO A STRICT INTERPRETATION OF THE LETTER OF THE INA, I STRONGLY BELIEVE IT IS IN KEEPING WITH OUR OWN HUMAN RIGHTS POLICIES AND OUR LONG TRADITION OF OPENING OUR DOORS TO THOSE IN NEED OF REFUGE.

5. IF POSSIBLE, I WOULD LIKE TO REPLY TO ASYLUM INQUIRIES WITH ANSWERS WHICH ARE PRAGMATIC WITHIN THE PRESENT CONTEXT. ACCORDING TO A-6610 OF AUGUST 20, 1974, NEITHER IRAN NOR PAKISTAN (THE NON-COMMUNIST COUNTRIES WHICH BORDER AFGHANISTAN) IS A PARTY TO THE CONVENTION AND PROTOCOL RELATIVE TO THE STATUS OF REFUGEES, NOR IS THERE AN UNHCR OFFICE IN ANY BORDERING STATE.

TELLING APPLICANTS THAT THEY SHOULD GO TO OUR REGIONAL INS OFFICE
IN HONG KONG OR TO ONE OF THE INS OFFICE IN EUROPE TO PETITION FOR
CONDITIONAL ENTRY WILL IN MOST CASES REPRESENT AN INSURMOUNTABLE
GEOGRAPHIC AND FINANCIAL OBSTACLE. THEREFORE, I WOULD APPRECIATE ANY
GUIDANCE YOU CAN OFFER SO WE CAN HELP THESE FEW NEEDY PEOPLE.

6. BEST REGARDS.
ELIOT

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